

AFFIDAVIT OF MAILING

**STATE OF FLORIDA
COUNTY OF LEON**

BEFORE ME, the undersigned authority, personally appeared Camille Tharpe, who, after being duly sworn, deposes and says:

1. At the direction of the Monroe County Administrator and on behalf of KW Resort Utilities Corp., I have mailed or directed the mailing of a notice by first class mail to the owner of each parcel of property identified in Exhibit I hereto at the address shown on the real property assessment tax roll maintained by the Monroe County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

2. The notices were mailed on or before April 30, 2004, in the form attached hereto as Exhibit II to owners of the parcels of property identified in Exhibit I hereto, using the number of equivalent dwelling units set forth in Exhibit I. The parcels to be notified and the number of equivalent dwelling units assigned to each parcel was provided by KW Resort Utilities Corp.

3. An Acknowledgment and Consent Agreement in the form attached hereto as Exhibit III was included with each notice.

FURTHER AFFIANT SAYETH NOT.

Affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by Camille Tharpe, who is personally known to me or who has produced _____ as identification and did (did not) take an oath.

WITNESS, my hand and official seal this ____ day of _____, A.D., 2004.

Signature of person taking acknowledgment

Name of acknowledger (printed)

My commission expires: _____

EXHIBIT I
DATA PROVIDED BY KW RESORT UTILITIES CORP.

[to come]

**EXHIBIT II
FORM OF MAILED NOTICE**

**KW Resort Utilities Corp.
6450 College Road
Key West, Florida 33040
(305) 294-9578**

*Si necesita esta informacion en español por favor
de llame Monroe County a 292-4570*

[NAME]
[ADDRESS]
[ADDRESS]
[CITY] [STATE] [ZIP]
[PARCEL ID]

Re: South Stock Island Wastewater Assessment Program

Dear Property Owner:

As you are probably aware, KW Resort Utilities Corp. has entered into an agreement with Monroe County to provide wastewater capacity for South Stock Island. Under the rate tariff established by the Florida Public Service Commission, property connecting to the wastewater system will be required to pay a capacity fee of \$2,700 for each "equivalent dwelling unit" or "EDU" before receiving service. One EDU has been assigned to each single-family and multi-family residential dwelling unit. EDUs have been assigned to each commercial parcel based on the wastewater service it requires, compared to a residential dwelling unit. In other words, if a business requires three times as much wastewater service as a residential dwelling unit, three EDUs have been assigned. Your tax parcel, as identified above, has been assigned [INSERT NUMBER] EDU(s). Under its agreement with the County, KW Resort Utilities Corp. is entitled to retain \$600 of the capacity fee from each EDU for an upgrade to advanced wastewater treatment and is required to pay \$2,100 to reimburse funds advanced by the County under the agreement.

To make it easier for property owners to connect, the County has developed a program to finance 95 percent of the capacity fee. You may choose to pay 5 percent of the capacity fee (\$135 per EDU) now and finance the balance (\$2,565 per EDU) for up to 20 years or pay the full \$2,700 when you connect to the wastewater system. If you choose the financing plan, the County intends to bill and collect the annual payments as a special assessment on your ad valorem (property) tax bill. The amounts that will appear on your tax bill will include 4% interest and your share of the County's cost to put the assessments on the tax bill. Failure to pay your tax bill, which will include your assessment, will cause a tax certificate to be issued against the property, which may result in a loss of title. You may also prepay your remaining assessment in full at any time. Whether you choose to pay the full capacity fee at connection or participate in the financing program, you will be responsible for hiring and paying a plumber to connect your property to the wastewater system and for paying the Utility's inspection fee.

The amount of your annual assessment will depend on the number of years you choose to pay. The following chart shows the annual assessment for *[INSERT NUMBER]* EDUs over terms of 5, 10, 15 and 20 years.

<u>Term</u>	<u>Annual Assessment</u>
5 Years	<i>[INSERT AMOUNT]</i>
10 Years	<i>[INSERT AMOUNT]</i>
15 Years	<i>[INSERT AMOUNT]</i>
20 Years	<i>[INSERT AMOUNT]</i>

If you wish to participate in the County's voluntary deferred payment program, please sign and return the enclosed Consent and Acknowledgment Agreement. Two witnesses to your signature must also sign. You will need to fill in your choice of term and the corresponding annual assessment in paragraphs (2) and (3), using the amounts in the table. If you do not choose to participate, you will be required to pay the full capacity charge at the time of connection. If you have any questions, please call the General Manager of KW Resort Utilities Corp., Doug Carter, at 305/294-9578.

The Board of County Commissioners will hold a public hearing to finalize the assessments at 5:05 p.m., or as soon thereafter as the matter can be heard, on August 11, 2004, in the County Commission Chambers at Harvey Government Center, 1200 Truman Avenue, Key West, Florida. You are invited to attend and participate in the public hearing or to file written comments with the County Administrator's Office prior to or during the hearing. Whether or not you attend the public hearing, your property will be included in the deferred payment program if you return the enclosed Consent and Acknowledgment Agreement and will not be included unless you elect to do so. If you

decide to appeal any decision made by the Board with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the County Administrator's office at 305/492-4441 at least 3 days prior to the hearing.

KW RESORT UTILITIES CORP.

EXHIBIT III
FORM OF CONSENT AND ACKNOWLEDGMENT AGREEMENT

CONSENT AND ACKNOWLEDGEMENT AGREEMENT

[INSERT NAME], (the "Owner"), the sole owner of the property described below (the "Owner's Property"), intending that it and its successors in interest shall be legally bound hereby, has executed and delivered this Consent and Acknowledgment Agreement for the purpose of inducing the Monroe County, Florida (the "County") to impose special assessments permitting payment of the capacity reservation fee (the "Capacity Fee") required to connect the Owner's Property to the wastewater system owned and operated by KW Resort Utilities Corp. (the "Utility") over the term of years described in paragraph (2) rather than immediately upon connection.

The Owner hereby consents and acknowledges as follows:

(1) Under the rate tariff established by the Florida Public Service Commission, property connecting to the Utility's wastewater system will be required to pay a Capacity Fee of \$2,700 for each "equivalent development unit" or "EDU" before receiving service.

(2) The Owner acknowledges that the number of EDUs assigned to the Owner's Property (*[INSERT NUMBER]*) is correct and consents to the imposition of an annual special assessment to fund 95 percent of the Capacity Fee (the "Annual Assessment") against the Owner's Property for a period of ____ years. The Owner's Property is described as follows:

[INSERT SUMMARY LEGAL DESCRIPTION FROM TAX ROLL]

(3) Upon the execution of this Consent and Acknowledgement Agreement, the Owner shall pay \$*[INSERT 135 x NUMBER OF EDUS]*, five percent of the Capacity Fee, to the Utility. The Owner acknowledges that an Annual Assessment of \$ _____ will be included on the annual ad valorem tax bill for the Owners Property each year for the period described in paragraph (2) and that failure to pay the Annual Assessment will cause a tax certificate to be issued against the Owner's Property which may result in a loss of title.

(4) The Owner acknowledges that the Annual Assessment provides a special benefit to Owner's Property by reducing the immediate cost of connecting to the Utility's wastewater system and that the provision of wastewater service possesses a logical

relationship to the use and enjoyment of the Owner's Property by properly and safely disposing of wastewater generated on the Owner's Property in an environmentally responsible manner.

(5) The terms of this Consent and Acknowledgement Agreement shall be deemed a covenant running with the Owner's Property and shall be binding upon the Owner, the Owner's heirs and assigns, and shall be recorded in the public records of Monroe County, Florida.

IN WITNESS WHEREOF, the Owner has executed and delivered this Consent and Acknowledgement Agreement this ____ day of _____, 20 ____.

[INSERT NAME OF OWNER]

By: _____

Witnesses:

APPENDIX B
FORM OF NOTICE TO BE PUBLISHED

To Be Published on or before July 21, 2004

[INSERT SMALL MAP OF STOCK ISLAND]

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS
IN THE SOUTH STOCK ISLAND WASTEWATER ASSESSMENT AREA**

*Si necesita esta informacion en español por favor
de llame Monroe County a 292-4570*

Notice is hereby given that the Board of County Commissioners of Monroe County, Florida will conduct a public hearing to consider imposing special assessments to fund the cost of providing wastewater capacity to serve certain property located on Stock Island. The special assessments will only be imposed against property for which a Consent and Acknowledgment Agreement has been executed and delivered to KW Resort Utilities Corp. by July 1, 2004. The hearing will be held at 5:05 p.m., or as soon thereafter as the matter can be heard, on August 11, 2004, at the County Commission Chambers in the Harvey Government Center, 1200 Truman Avenue, Key West, Florida, for the purpose of receiving public comment on the proposed assessments and collection of the assessments on the ad valorem tax roll. All affected property owners have a right to appear at the hearing and to file written objections with the County Administrator anytime prior to the public hearing. If a person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Administrator at 305/292-4441 at least 48 hours prior to the date of the hearing.

The assessment for each parcel of property will be based upon the actual cost of providing wastewater capacity to serve the property and additional costs incurred by the City related to this program, including interest and collection costs. A more specific description of the assessment program is set forth in the Initial Assessment Resolution adopted by the Board on July 14, 2004. Copies of the Initial Assessment Resolution and the preliminary Non-Ad Valorem Assessment Roll are available for inspection at the

County Administrator's office, located at The Historic Gato Cigar Factory, 1100 Simonton Street, Suite 2-205, Key West, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Board intends to collect the assessments in installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2004.

If you have any questions, please contact the County Administrator at 305/292-4441.

MONROE COUNTY, FLORIDA

APPENDIX C

**INITIAL WASTEWATER ASSESSMENT NOTICE
FROM KW RESORT UTILITIES CORP.**

[to come]